

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

LAMARR ROWELL,

Petitioner,

vs.

ROBERT LEGRAND,

Respondent.


Case No. 3:14-cv-00498-RCJ-VPC

ORDER

This action is a *pro se* petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner. On the face of the petition petitioner indicates that he filed a previous federal habeas petition challenging this judgment of conviction, which was adjudicated on the merits (ECF #1-1 at 2; 3:10-cv-00044-RCJ-VPC). However, 28 U.S.C. § 2244(3)(A) provides: “[b]efore a second or successive application permitted by this section is filed in the district court, the applicant shall move in the appropriate court of appeals for an order authorizing the district court to consider the application.” The instant petition is a successive petition, which requires petitioner to seek and obtain leave of the Ninth Circuit Court of Appeals to pursue. *See* 28 U.S.C. § 2244(b)(3) et seq. Petitioner further indicates on the face of the petition that he has not obtained leave to file a successive petition from the Court of Appeals. Accordingly, the court shall dismiss this petition.

IT IS FURTHER ORDERED that the petition is **DISMISSED**.

IT IS FURTHER ORDERED that, to the extent that it is required in this procedural context, the finding of appealability is **DENIED**.


UNITED STATES DISTRICT JUDGE